FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

RULE 63 (37 C.F.F. 33) DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OF THE CENTRAL PROPERTY OF THE CENTRAL PROPERTY OF THE CENTRAL PATENT AND TRADEMARK OF THE PATENT AND TRADEMARK OF THE CENTRAL PATENT AND TRADEMARK PATENT AND TRADEMARK PATENT AND TRADEMARK PATENT AND TRADEMARK PATENT PA

AUG 2001PW FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED NOVEL HETEROCYCLIC ANALOGS OF DIPHENYLETHYLENE COMPOUNDS

41.		which (OHEOK applicable	POY(ES)			•
	e specification of . □ is attached h	which (<u>CHECK applicable</u> ereto.	BOX(E2)			
	B. 🛛 was file	d on April 27, 2001		U.S. Application No.	09/843,167	
→ →		das PCT International		o. PCT//	on	
		application) was amende				
ove. I acknow eign priority be plication which rtificate, or PC	ledge the duty to dis enefits under 35 U.S n designated at leas T International Appl	nd understand the contents of iclose all information known to .C. 119(a)-(d) or 365(b) of any to one other country than the U cation, filed by me or my assi- aimed, or (2) if no priority clain	o me to be material to y foreign application(s nited States, listed be gnee disclosing the si	patentability as defined i b) for patent or inventor's clow and have also identifubject matter claimed in t	n 37 C.F.R. 1.56. Except a certificate, or 365(a) of any fied below any foreign appl	as noted below, I hereby clain PCT International lication for patent or inventor
IOR FOREI	GN APPLICATIO	N(S)		Date first Laid-	Date Patented	
mber	Country	Day/MONTH	/Year Filed	open or Publishe		Priority NOT Claime
	<u> </u>		· · · · · · · · · · · · · · · ·	<u></u>		
ept as noted T internationa lication is in a	below, I hereby claid I applications listed addition to that disclaid	X box at bottom and continually benefit und above or below and, if this is a bed in such prior applications me available between the filir	der 35 U.S.C. 119(e) of continuation-in-part of lacknowledge the d	or 120 and/or 365(c) of the (CIP) application, insofal luty to disclose all information.	r as the subject matter disc ation known to me to be ma	closed and claimed in this aterial to patentability as
lication:	.N. 1.50 WHICH DECE	ille avallable between the lill	ig date of each such p	prior application and the t	lational of FOT internation	arming date or this
IOR IIS PI	POVISIONAL NO	NPROVISIONAL AND/O	R PCT APPLICAT	ION(S)	Status	Priority NOT Claime
plication N	o. (series code/s	erial no.) Dav/M	ONTH/Year Filed		g, abandoned, patent	
591,105		09/06/2			X	
	d unless/until I instru 1677 t 1769 2050	8 G. Paul Edgell 8 Lynn E. Eccleston 1 David A. Jakopin 3 Mark G. Paulson 2 Stephen C. Glazier 8 Richard H. Zaitlen	elow attorney in writing 30368 F 24238 N 35861 J 32995 A 30793 V 31361 F 27248 F		31204 Anthony 36787 Robert J 37087 Brian J. I 41835 John Joh 38821 Mark C. 36004 David H. 35030	L. Miele 343 . Walters 408 Beatus 388 be 284 Pickering 362 Jaffer 322
INVENTOR	'S SIGNATURE:	Dishwajet	Nag	Date	: July 24,	2001
	Bishwajit	V		NAG	•	
	,	First	Middle Initial		Family Name	
idence	Fremont		California		USA	· · · · · · · · · · · · · · · · · · ·
	· <u>- · · · · · · · · · · · · · · · · · ·</u>	City		ate/Foreign Country	<u> </u>	ountry of Citizenship
ling Addres	s	34353 Eucalyptus Te			<u> </u>	
lude Zip Co		94555			_	<u></u>
	,	0.1000	—			
INVENTOR	'S SIGNATURE:			Date	9;	
	Debendranath			DEY		
		First	Middle Initial		Family Name	
idence	Fremont	<u> </u>	California		India	<u> </u>
		City		ate/Foreign Country		ountry of Citizenship
ling Addres	e	34535 Felix Terrace,				ound) of Gluzenship
			Fremont, Callomi	<u>a</u>		-
clude Zip Co	de)	94555				
. 57		1141 IND/ENTORO				
		NAL INVENTORS, a				onal inventor.
See addi	itional foreign	priorities on attached	l page (incorpo	•	,	
				Atty.	Dkt. No. P26689	<u> </u>
				•	-	√l#)
					1.1	V 177 /

FOR UTILITY/DÉSIGN CIP/PCT NATIONAL/PLAN-ORIGINAL/SUBSTITUTE/SUPPLEMENTAL

RULE 63 (37 C.F.F. 33) DECLARATION AND POWER ATTORNEY FOR PATENT APPLICATION FUNITED STATES PATENT AND TRADEMARK OFF

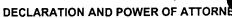
PW FORM MI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **DECLARATIONS** As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural nar below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED NOVEL HETEROS CLIC AND OGS OF DIPHENYLETHYLENE COMPOUNDS AUG 2 7 2007 the specification of which (CHECK applicable BOX(ES)) A. I is attached hereto. 09/843,167 as U.S. Application No. B. was filed on April 27, 2001 BOX(ES) C. was filed as PCT International Application No. PCT/ and (if applicable to U.S. or PCT application) was amended on I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendr above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application: PRIOR FOREIGN APPLICATION(S) Date first Laid-**Date Patented Priority NOT Claimed** Day/MONTH/Year Filed open or Published or Granted <u>Number</u> Country If more prior foreign applications, X box at bottom and continue on attached page. Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application: PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S) Priority NOT Claimed <u>Status</u> Application No. (series code/serial no.) Day/MONTH/Year Filed pending, abandoned, patented 09/06/2000 09/591.105 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (202) 861-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary. 34393 Anthony L. Miele Roger R. Wise 31204 30368 Kendrew H. Colton 16773 Paul N. Kokulis Robert J. Walters 40862 Michael R. Dzwonczyk 36787 24238 17698 G. Paul Edgell G. Lloyd Knight 38825 37087 Brian J. Beatus Jack S. Barufka 35861 Kevin E. Joyce 20508 Lynn E. Eccleston 28429 41835 John Jobe Adam R. Hess David A. Jakopin 32995 18221 George M. Sirilla 36239 Mark C. Pickering 38821 Mark G. Paulson 30793 William P. Atkins 25323 Donald J. Bird David H. Jaffer 32243 36004 31361 Paul L. Sharer Stephen C. Glazier Dale S. Lazar 28872 35030 Robin L. Teskin Richard H. Zaitlen 27248 28458 Glenn J. Perry Date: (1) INVENTOR'S SIGNATURE: NAG Bishwaiit Family Name Middle Initial First USA California Fremont Residence Country of Citizenship State/Foreign Country 34353 Eucalyptus Terrace, Fremont, California Mailing Address 94555 (include Zip Code) $\langle \mathcal{L} \rangle_{i}$ (2) INVENTOR'S SIGNATURE: DEY Debendranath Family Name First Middle Initial India California Fremont Residence Country of Citizenship State/Foreign Country City 34535 Felix Terrace, Fremont, California Mailing Address 94555 (include Zip Code) "X" box X FOR ADDITIONAL INVENTORS, and proceed on the attached page to list each additional inventor. ☐ See additional foreign priorities on attached page (incorporated herein by reference).

P266891

(M#)

Atty. Dkt. No.



(continued)
ADDITIONAL INVENTORS: (3) INVENTOR'S SIGNATURE: Date: MEDICHERLA Satyanarayana First Middle Initial Family Name Cupertino California India Residence State/Foreign Country Country of Citizenship City 10134 Tantau Avenue, Cupertino, California Mailing Address

(include Zip Code)		95014			·
(4) INVENTOR	'S SIGNATURE:	Breo gi		Date: 7	7-30-01
(1)	Partha			NEOGI	
	<u> </u>	First	Middle Initial		Family Name
Residence	Fremont		California		India
	· · · · · · · · · · · · · · · · · · ·	City	Stat	e/Foreign Country	Country of Citizenship
Mailing Addres	s	5091 Justin Terrace, F	remont, California		
(include Zip Co		94555			
			-		
(5) INVENTOR	'S SIGNATURE:			Date:	
		First	Middle Initial	···	Family Name
Residence			l		
		City	Stat	e/Foreign Country	Country of Citizenship
Mailing Addres	s				
(include Zip Co	ide)				
				Date:	
(6) INVENTOR	'S SIGNATURE:	· · ·		Date.	
		First	Middle Initial		Family Name
Residence	1	Liigi	TRIBUIC HITTER		
Residence	<u> </u>	City	Stat	e/Foreign Country	Country of Citizenship
Mailing Addres	s				
(include Zip Co					

(7) INVENTOR'S SIGNATU	URE:	Date:		
	First	Middle Initial	Family Name	
Residence	City	State/Foreign Country	Country of Citizenship	
Mailing Address	Oily	- Julian Hongy Status,		
(include Zip Code)				

(8) INVENTOR'S SIGNAT	URE:	Date:			
<u>, , , , , , , , , , , , , , , , , , , </u>	First	Middle Initial	Family Name		
Residence					
	City	State/Foreign Country	Country of Citizenship		
Mailing Address					
(include Zip Code)					

(9) INVENTOR'S SIGNATU	JRE:	Date:	
	First	Middle Initial	Family Name
Residence			
	City	State/Foreign Country	Country of Citizenship
Mailing Address		·	
(include Zip Code)		···	

PAT-116 3/01



(continued) ADDITIONAL INVENTORS:

(3) INVENTO	R'S SIGNATURE:			Date:	
	Satyanarayana		MEDICHERLA		
		First	Middle Initial		Family Name
Residence	Cupertino		California		India
		City	Stat	e/Foreign Country	Country of Citizenship
Mailing Addres	SS	10134 Tantau Avenue,	Cupertino, Califor	nia	
(include Zip C	ode)	95014]		
(4) INVENTOR	DIE CICNATURE.			Data	
(4) INVENTOR	R'S SIGNATURE: Partha			Date:	
	Faitria		10 to		
Residence	Fremont	First	Middle Initial California		Family Name India
Residence	Section 1. The section of the sectio	City Like Signs of the	•	ofFamilian Country	
Mailing Addso	in de la laction de la Sierr	5091 Justin Terrace, Fr		e/Foreign Country	Country of Citizenship
Mailing Addre		94555	emont, Camorna		
(ilicidde Zip C	ode)	34555	J		
(5) INVENTOR	R'S SIGNATURE:			Date:	
F 15 7 9 34	例如,但如此如此,	First	Middle Initial	rukipi, 494, pikiriki	Family Name
Residence					
		City	Stat	e/Foreign Country	Country of Citizenship
Mailing Addres	ss				
(include Zip C	ode)				
(A) 110 (E115A				D -1	
(6) INVENTOR	R'S SIGNATURE:			Date:	
. 5 . 1. 1.			Complete and a few and a section	l An aka Karaba ar a sa bada ang bara	
	laan in Casta fina fi 1976 T	M FIRSt g out was problem to be a selec-	Middle Initial		Family Name (A)
Residence		engagetennen en ander juring i bild	l Termer		Country of Citizenship
		-830 ltys in 1940 in 1940 in 1940 in 194 - T	State	e/Foreign Country	Country of Cluzenship (2014)
Mailing Addre		1	1		
(medde Zip C	ode)	<u> </u>	.		
(7) INVENTO	R'S SIGNATURE:			Date:	
*		First	Middle Initial		Family Name
Residence			I		
		City	Stat	e/Foreign Country	Country of Citizenship
Mailing Addre					
(include Zip C	ode)		J		
(8) INVENTO	D'S SIGNATURE.			Date:	
(a) INVENTO	R'S SIGNATURE:			Date:	
	The state of water	First	Middle Initial		Family Name
Residence	T	I field	Mindie Hingi		I amily Name
residence		City	J. Stat	e/Foreign Country	Country of Citizenship
Mailing Addre	ee	City	Siai	en oreign country	Country of Cluzenship
(include Zip C		1	1		<u> </u>
(o.acc zip O	/				
(9) INVENTO	R'S SIGNATURE:			Date:	
				l	
		First	Middle Initial		Family Name
Residence					
		City	Stat	e/Foreign Country	Country of Citizenship
Mailing Addre					
(include Zip C	ode)				-

30197855_1.DOC PAT-116 3/01

Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b) PATENT AND TRADEMARK CASES - RULES OF PRACTICE DUTY OF DISCLOSURE

...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facile case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) approxing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

02. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

^{*} Six months for Design Applications (35 U.S.C. 172).

Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b) PATENT AND TRADEMARK CASES - RULES OF PRACTICE DUTY OF DISCLOSURE

(a) ... Each individual associated with the filing and prosecution of a patent application has a duty of candidated good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

-33

^{*} Six months for Design Applications (35 U.S.C. 172).